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Attorneys for Defendants
CITY OF SANTA ROSA; RICH CELLI, an individual and Officer of the
SANTA ROSA POLICE DEPARTMENT; TRAVIS MENKE,
an individual and Officer of the SANTA ROSA POLICE DEPARTMENT;
and PATRICIA SEFFENS f/k/a PATRICIA MANN, an individual
and Officer of the SANTA ROSA POLICE DEPARTMENT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA DESANTIS, et al.,

Plaintiffs,

v.

CITY OF SANTA ROSA, et al.,

Defendants.

Case No. C 07-3386 JSW

**MOTION *IN LIMINE* NO. 4:
EXCLUDE CUMULATIVE OPINIONS
OF RON MARTINELLI AND LOU
REITER**

Hon. Jeffrey S. White

Pretrial Conference: July 2, 2012
Time: 2:00 p.m.
Ctm: 11, 19th Floor

Trial Date: September 4, 2012

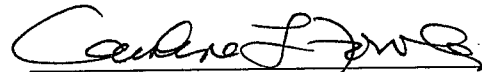
Defendants anticipate that plaintiffs in this consolidated action will seek to introduce the cumulative opinions of police practices expert Ron Martinelli who is retained by plaintiff Patricia DeSantis, individually and as successor in interest for Richard DeSantis, and Dani DeSantis, and police practices expert Lou Reiter who is retained by plaintiff Adrienne DeSantis. The interest of the two experts are virtually indistinguishable, and their opinions are cumulative. Permitting both experts to testify about police practices is impractical and a waste of time. Moreover, allowing a total of three police practice experts to testify about the same subject matter when there are only

1 two sides to the case risks confusing the jury.

2 Defendants respectfully request this Court's order that only one police practices
3 expert shall testify on behalf of all plaintiffs or in the alternative advise defendants'
4 counsel and designate prior to trial which subject matters each expert will be limited to
5 testify to.

6 Dated: June 12, 2012

OFFICE OF THE CITY ATTORNEY

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8 Caroline L. Fowler, City Attorney
9 John J. Fritsch, Assistant City Attorney
10 Attorney for Defendants

11 **ORDER**

12 Satisfactory proof having been made, it is hereby ordered as follows:

- 13 1. One police practices expert shall testify on behalf of all plaintiffs. . [
14 Alternate language--Plaintiffs shall advise defendants counsel at least 5
15 days prior to trial as to what areas each expert intends to testify to in order
16 to avoid cumulative opinions on police practices issues.]
- 17 2. All parties' counsel shall caution, warn and instruct their clients and their
18 witnesses from attempting to introduce such evidence during the trial of
19 this matter, and from referring to the existence of such evidence during the
20 trial of this matter.

21
22 Dated: July __, 2012

23 
24 Hon. Jeffrey White, Judge
25 United States District Court
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